

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
AT&T Petition to Launch a Proceeding)	GN Docket No. 12-353
Concerning the TDM-to-IP Transition;)	
)	
Petition of the National Telecommunications)	
Cooperative Association for a Rulemaking to)	
Promote and Sustain the Ongoing TDM-to-IP)	
Evolution)	

**REPLY COMMENTS OF
PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION**

I. Introduction

PCIA—The Wireless Infrastructure Association¹ hereby submits these reply comments in response to the above-captioned Federal Communications Commission (“FCC” or “Commission”) *Public Notice* regarding the separate petitions of AT&T and the National Telecommunications Cooperative Association (“NTCA”) requesting the Commission amend its policies in order to facilitate the ongoing transition from time-division multiplexed (“TDM”) to Internet Protocol (“IP”) based networks and services.²

Consistent with the majority of commenters, PCIA recognizes the many benefits of the TDM-to-IP transition and encourages the Commission to act expediently, but carefully, to

¹ PCIA is the national trade association representing the wireless infrastructure industry. PCIA’s members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, telecommunications, and broadcasting services. PCIA and its members partner with communities across the nation to effect solutions for wireless infrastructure deployment that are responsive to the unique sensitivities and concerns of each community.

² Pleading Cycle Established on AT&T and NTCA Petitions, *Public Notice*, 27 FCC Rcd 15766, DA 12-1999 (rel. Dec. 14, 2012) (“*Public Notice*”).

facilitate the transition to an entirely IP-based communication networks. By updating the regulatory environment to reflect modern needs, uses, and markets, the Commission can encourage the investments necessary for wireless and wired broadband deployment and solve one of “*the* great infrastructure challenges of the early 21st century.”³ Likewise, the Commission should carefully weigh proposals to use subsidy models designed for legacy technologies or provide additional universal service resources for certain carriers’ IP transition. Investments in infrastructure are major endeavors based on the particular service provider’s business needs; while the Commission can incentivize IP transition investments through regulatory modernization and streamlining, it should be wary of regulatory regimes that have the potential to create market distortion.

II. The Commission Can Encourage the IP Transition through Regulatory Modernization

The transition to exclusively IP-based communications networks will provide benefits to both service providers and consumers. As Alcatel-Lucent discussed, IP-based technologies provide innovative services that consumers have come to expect from their communications service providers.⁴ Today’s consumer now expects high-speed broadband connections—both wireline and wireless—and are, in ever greater numbers, foregoing traditional TDM copper-line voice services for these IP-powered connections.⁵ The transition to IP-based services and facilities is already underway because of this consumer demand.⁶

³ FCC, CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN 3 (2010) (emphasis in original) (“NATIONAL BROADBAND PLAN”), available at <http://www.broadband.gov/plan/>.

⁴ Comments of Alcatel-Lucent, GN Docket No. 12-353, at 3-4 (Jan. 28, 2013).

⁵ See Comments of Verizon and Verizon Wireless, GN Docket No. 12-353, at 13-19 (Jan. 28, 2013).

⁶ *Id.* at 13-14.

PCIA agrees with the majority of commenters that the IP transition can be hastened if the Commission modernizes the regulatory environment for voice services in light of new technologies and market realities.⁷ One of the first actions the Commission should take is to confirm that IP-based services are interstate information services and are thus subject to federal jurisdiction. As CTIA—The Wireless Association points out, the Commission is already on the record affirming the interstate nature and federal jurisdictional primacy when it comes to IP-based services.⁸ “We conclude that [VoIP service] cannot be separated into interstate and intrastate communications In doing so, *we add to the regulatory certainty . . . by making clear that this Commission*, not the state commissions, has the responsibility and obligation to decide whether certain regulations apply to [VoIP] and other IP-enabled services having the same capabilities.”⁹ A single, streamlined, and modernized body of regulation for IP-enabled services will provide certainty that will promote investment in the infrastructure necessary to complete the IP transition and will prevent duplication that would otherwise eat away at limited capital investment.

These investments are crucial to meeting the goals of the *National Broadband Plan*.¹⁰ Our work today can provide the regulatory certainty service providers require to effectively plan how to use finite resources. This can all begin with the Commission’s affirmance of its previous findings that “VoIP and other IP-enabled services are interstate for jurisdictional purposes and

⁷ See, e.g., Alcatel-Lucent Comments, at 3; Comments of Competitive Carriers Ass’n, GN Docket No. 12-353, at 2-3 (Jan. 28, 2013); Comments of CTIA—The Wireless Ass’n, GN Docket No. 12-353, at 2 (Jan. 28, 2013); Comments of MetroPCS Communications, Inc., GN Docket No. 12-353, at 4 (Jan. 28, 2013); Comments of T-Mobile USA, Inc., GN Docket No. 12-353, at 1 (Jan. 28, 2013); Verizon Comments, at 21.

⁸ CTIA Comments, at 3-4.

⁹ *In re Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, *Memorandum Opinion and Order*, 19 FCC Rcd. 22,404, ¶ 1 (Nov. 9, 2004) (emphasis added).

¹⁰ NATIONAL BROADBAND PLAN, at xiv.

therefore not subject to a patchwork” of state regulations that would “slow the transition to IP networks and add costs.”¹¹

III. The Commission Should Weigh Carefully Proposals to Provide “Economic Incentives” for the IP Transition

Just as legacy rules frustrate the ongoing transition to IP-based networks, legacy subsidy models and access charges could place an additional impediment upon the transition to an IP-based infrastructure. In its petition, NTCA suggests the Commission adopt means whereby carriers could “recover costs for the exchange of communications traffic” when interconnecting IP networks.¹² As several commenters pointed out,¹³ the Commission has already recognized that such legacy-styled access charges do not promote—but rather impede—carriers’ transition to IP-based facilities.¹⁴ As the Commission itself said, “Bill-and-keep . . . is consistent with and promotes deployment of IP networks . . . and best promotes our overall goals of modernizing our rules and facilitating the transition to IP. . . . As a result, we now abandon the calling-party-network-pays model that dominated ICC regimes of the last century.”¹⁵ As these commenters concluded, the Commission should endeavor to stay consistent with its previously adopted reform. Such a proposal does not account for the cost savings of switching to an all-IP

¹¹ Verizon Comments, at 23.

¹² Petition of the Nat’l Telecomm. Coop. Ass’n for a Rulemaking to Promote and Sustain the Ongoing TDM-to-IP Evolution, at 13 (Nov. 19, 2012) (“NTCA Petition”).

¹³ See CCA Comments, at 11; CTIA Comments, at 7; Comments of Nat’l Cable & Telecomm. Ass’n, GN Docket No. 12-353, at 13 (Jan. 28, 2013); Comments of Sprint Nextel Corp., GN Docket No. 12-353, at 21-22 (Jan. 28, 2013); T-Mobile Comments, at 9.

¹⁴ *In re Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17,663, ¶ 34 (Oct. 27, 2011) (“CAF Report & Order”).

¹⁵ *Id.*

environment,¹⁶ and could reestablish a legacy-based access charge model that the Commission has already rejected.¹⁷

The Commission should also reject proposals to provide rural local exchange carriers with additional universal service support to facilitate their IP transition.¹⁸ Through 2017, these carriers will receive approximately \$2 billion per year in high-cost universal service support.¹⁹ This existing support, coupled with the fact that these carriers are already investing in IP-based services²⁰ and the market reality that consumers are increasingly relying on wireless and broadband services to meet their needs,²¹ begs the question as to why rural carriers now require additional support to do what they are already doing for fewer customers.

¹⁶ See CCA Comments, at 12; Alcatel-Lucent Comments, at 5 (“[T]he effects of operating an underutilized legacy network weigh[s] heavily on a telecommunications carrier’s business and ability to invest in IP.”).

¹⁷ See CTIA Comments, at 8.

¹⁸ NTCA Petition, at 15.

¹⁹ CAF Report & Order, ¶ 27.

²⁰ NTCA Petition, at 3 (“Rural carriers have thus led the IP evolution to date . . .”).

²¹ See CTIA Comments, at 9.

IV. Conclusion

For the foregoing reasons, the Commission can best promote the transition to an all-IP environment by using this opportunity to create a regulatory environment that responds to modern technology and markets. It should reject any calls to imbalance this approach through the use of legacy subsidy payments and support mechanisms.

Respectfully submitted,

PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION

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